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**1995/07/09**

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STATE 16226J 898622Z 847700  
AMERICAN CITIZEN, WAS DETAINED BY CHINESE AUTHORITIES WHEN  
CROSSING THE BORDER FROM KAZAKHSTAN INTO CHINA ON JUNE 12

1995. MR. WU AND ANOTHER AMERICAN TRAVELLING COMPANION WERE DETAINED AT KORGAS IN XINJIANG PROVINCE FROM JUNE 19 UNTIL THE MORNING OF JUNE 23, WHEN MR. WU'S COMPANION WAS EXPELLED FROM CHINA. MR. WU HAS NOT BEEN HEARD FROM SINCE. THE CHINESE GOVERNMENT PROVIDED THE REQUISITE CONSULAR NOTIFICATION OF DETENTION ON JUNE 23, BUT HAVE

INFO	00	COR-01	AMAD-01	CA-02	CIAE-00	SMEC-00	INL-01
	12	DOOE-00	DOOE-00	SRPP-00	EUR-00	FBIE-00	INL-01
		TEDE-00	INR-00	L-00	AOS-00	M-00	NSAE-00
	01	OCS-06	OMB-01	PA-01	PM-00	PRS-01	P-01
	00	SS-00	TRSE-00	T-00	USIE-00	PMO-00	DRI-00
	00	/079R					

DP: RY: EAP/CH: JJFOARDE/ACOLE  
 AF: EAP/CH: WLOD  
 EAP/CH: WASTANTON  
 EUR/ERA: RLEVINSON  
 EUR/RPH: SSPENCER

EARLY DULLY  
L/EARLY GHERHEN

P:GI  
DEC . . . 1951 EAP, CA, EUR

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O R 1 JUL 95  
 FM SI. WASHDC  
 TO FM TOKYO IMMEDIATE  
 AMEMBANGKOK 6846-7  
 AMEMBANGAPORE  
 AMEMBANGKULU 8229-38  
 AMEMBANGKARTAS 5805-6  
 AMEMBANGKUALA  
 AMEMBASSY KUALA LUMPUR 2178-1  
 AMEMBASSY HELSINKI 1151-2  
 AMEMBASSY STOCKHOLM 3596-7  
 AMEMBASSY OSLO 1948-1  
 AMEMBASSY COPENH 6E 1310-1  
 INFO AMEMBASSY BEIJING 5722-3  
 AMCONSUL SHANGHAI 3560-1  
 AMCONSUL SHENYANG 4361-2  
 AMCONSUL HONG KONG  
 AMCONSUL GUANGZHOU 6479-88

C O N F I D E N T I A L STATE 162263

CORRECTED COPY (DTG AND HEADER)

E.O. 12958 DECLASS: OADR

TAGS: 101 CASC, CH, US

SUBJ: HARRY WU DETENTION CASE: REQUEST FOR PARALLEL  
HOST L: FRAGMENT DEMARCHES TO BEIJING ON CONSULAR ACCESS TO  
DET: CITIZENS

1. CONFIDENTIAL -- ENTIRE TEXT. THIS IS AN ACTION MESSAGE.

2. REQUESTED: DEPARTMENT REQUESTS THAT ADDRESSEES CONTACT THEIR GOVERNMENTS AT THE HIGHEST APPROPRIATE LEVEL TO DEVELOP THE DEMARCHE OUTLINED IN PARAGRAPH 5 BELOW. POSTS MAY WISH TO LEAVE THE TALKING POINTS WITH INTERESTORS AS A NON-PAPER. ADDRESSEES SHOULD ALSO SEEK TO ENGAGE MOST GOVERNMENTS. EXPERIENCE WITH THE PRC ON CONSULAR MATTERS GENERALLY, AND ON CONSULAR ACCESS TO DETAINED CITIZENS IN PARTICULAR. PLEASE REPORT REACTION TO THE DEMARCHE AND INQUIRY ON CONSULAR EXPERIENCE ASAP. SLUGLINE REPLIES FOR EAP/CH, LEAP AND CA/OCS.

1 BACKGROUND: HARRY WU, AKA PETER H. WU A WELL-KNOWN  
INSTE OF CHINA'S PRISON SYSTEM FOR MANY YEARS AND NOW AN

SINCE REFUSED TO GRANT CONSULAR ACCESS UNDER OUR BILATERAL CONSULAR AGREEMENT. TO MANY DEMARCHES IN BOTH BEIJING AND WASHINGTON, CHINESE OFFICIALS HAVE REPLIED ONLY THAT WU IS "UNDER INVESTIGATION" FOR VIOLATIONS OF CHINESE LAW DURING PREVIOUS VISITS TO CHINA. CHINESE REFUSAL TO GRANT CONSULAR ACCESS IS A CLEAR VIOLATION OF THE BILATERAL CONSULAR AGREEMENT, WHICH PROVIDES FOR ACCESS TO DETAINED CITIZENS WITHIN 48 HOURS OF A REQUEST. CONGRESSIONAL PRESS AND POPULAR INTEREST IN MR. WU'S CASE HAS BEEN SUBSTANTIAL.

4. THE DEPARTMENT PROPOSES TO AUGMENT ITS BILATERAL EXPRESSIONS OF GRAVE CONCERN TO THE CHINESE OVER THEIR HANDLING OF THE WU CASE WITH APPROACHES BY OTHER CONCERNED COUNTRIES ON THE SPECIFIC QUESTION OF CONSULAR ACCESS TO NATIONALS. THE UNITED STATES BELIEVES THAT ALL COUNTRIES HAVE AN INTEREST IN CHINESE COMPLIANCE WITH BOTH INTERNATIONAL CONVENTIONS SUCH AS THE VIENNA CONVENTION ON CONSULAR RELATIONS AND BILATERAL CONSULAR CONVENTIONS, WHERE THEY EXIST. THUS, THE UNITED STATES HOPES THAT HOST COUNTRIES WILL INSTRUCT THEIR AMBASSADORS IN BEIJING TO RAISE WITH CHINESE INTERLOCUTORS AT AN APPROPRIATE LEVEL THE IMPORTANCE OF PROMPT CONSULAR ACCESS, AS WELL AS THE DESIRABILITY OF STRICT ADHERENCE TO THE PROVISIONS OF CONSULAR CONVENTIONS AND AGREEMENTS. IF POSSIBLE, THE DEPARTMENT WOULD WELCOME HOST GOVERNMENTS CONVEYING A MORE SPECIFIC MESSAGE ABOUT THE UNACCEPTABILITY OF DELAYING CONSULAR ACCESS IN THE CASE OF HARRY WU. ADDRESSEES MAY DRAW ON THE TALKING POINTS IN PARAGRAPH FIVE BELOW IN DEMARCHING HOST GOVERNMENTS.

IN ADDITION, DEPARTMENT WOULD WELCOME KNOWING HOST GOVERNMENTS. EXPERIENCE WITH THE PRC WITH RESPECT TO ECONOMIC OBLIGATIONS, WHETHER UNDER INTERNATIONAL CONVENTIONS OR BILATERAL AGREEMENTS. IN SEEKING TO ELICIT THIS INFORMATION, POSTS MAY NOTE THAT, IN GENERAL THE PRC HERETOFORE HAS BEEN REASONABLY GOOD ABOUT HONORING ITS CONSULAR OBLIGATIONS TO THE UNITED STATES.

## 6. BEGIN TALKING POINTS

-- AMERICAN CITIZEN HARRY WU (ALSO KNOWN AS PETER H. WU)

HAS BEEN DETAINED IN CHINA SINCE JUNE 19 EVIDENTLY IN THE  
BORDER TOWN OF MORGAS IN XINJIANG PROVINCE.

-- THE CHINESE NOTIFIED OUR EMBASSY IN BEIJING OF THE DETENTION ON JUNE 23, WITHIN THE 4-DAY LIMIT STIPULATED IN THE U.S.-CHINA BILATERAL CONSULAR CONVENTION OF 1980

-- OUR CONSUL GENERAL IN BEIJING REQUESTED A STATUS REPORT, ENUMERATION OF ANY CHARGES LODGED AGAINST WU, AND AGREEMENT FOR A CONSULAR VISIT FROM THE CHINESE FOREIGN MINISTRY ON MONDAY, JUNE 26.

-- WE HAVE HAD SUBSEQUENT MEETINGS WITH THE FOREIGN  
MINISTRY CONSULAR AFFAIRS BUREAU. THE RESULTS OF THESE  
MEETINGS HAVE BEEN INCONCLUSIVE AND UNSATISFACTORY

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-- THE CHINESE SIDE HAS INFORMED US THAT THE REQUEST FOR  
CONSULAR VISIT TO MR. WU IS STILL UNDER CONSIDERATION BUT  
HAS NOT BEEN APPROVED. MR. WU'S PRECISE LOCATION AND

CONDITION HAVE NOT BEEN DISCLOSED. WE HAVE NOT BEEN  
INFORMED OF ANY FORMAL CHARGES OR OF MR. WU'S IMMINENT  
RELEASE OR DEPORTATION. GIVEN THE TIME THAT HAS ELAPSED  
THESE RESPONSES ARE UNACCEPTABLE

-- ACCORDING TO ARTICLE 35 OF THE U.S. CHINA BILATERAL  
CONSULAR CONVENTION, A CONSULAR VISIT SHALL TAKE PLACE AS  
SOON AS POSSIBLE, BUT, AT THE LATEST, SHALL NOT BE REFUSED  
AFTER 7 DAYS FROM THE DATE ON WHICH EITHER GOVERNMENT  
NOTIFIES THE OTHER OF A DETENTION

-- WE BELIEVE ALL COUNTRIES HAVE AN INTEREST IN PROMPT  
CONSULAR ACCESS TO NATIONALS DETAINED IN OTHER COUNTRIES  
AS CONTEMPLATED BY SUCH INTERNATIONAL CONVENTIONS AS THE  
VIENNA CONVENTION ON CONSULAR RELATIONS, BILATERAL  
CONSULAR AGREEMENTS, OR CUSTOMARY INTERNATIONAL LAW AND  
PRACTICE.

-- OUR SPECIFIC CONCERN FOR MR. WU IS GREAT BUT WE ARE  
ALSO GRAVELY CONCERNED ABOUT THE IMPLICATIONS OF CHINESE  
VIOLATION OF OUR BILATERAL CONSULAR CONVENTION. THE  
UNITED STATES AND CHINA ARE ALSO PARTIES TO THE  
MULTILATERAL VIENNA CONVENTION ON CONSULAR RELATIONS  
ARTICLE 36 OF WHICH PROVIDES FOR CONSULAR ACCESS TO  
DETAINED OR ARRESTED NATIONALS

-- THE UNITED STATES WOULD WELCOME YOUR GOVERNMENT  
INSTRUCTING YOUR AMBASSADOR TO BEIJING TO DEMAND THE  
CHINESE GOVERNMENT EXPRESSING SIMILAR CONCERNS ABOUT THE

SPECIFIC ISSUE OF CONSULAR ACCESS.

-- THE UNITED STATES WOULD ALSO WELCOME YOUR GOVERNMENT  
RAISING THE CASE OF HARRY WU IN THIS CONTEXT. WE ARE  
SUGGESTING THAT CHINA'S HANDLING OF THE CASE RAISES  
QUESTIONS ABOUT CHINESE COMMITMENT TO HONORING  
INTERNATIONAL CONSULAR PRACTICE WITH RESPECT TO ALL U.S.  
NATIONALS.

-- THE UNITED STATES APPRECIATES ANY HELP YOU CAN OFFER  
UNDERSCORING WITH THE CHINESE THE VITAL IMPORTANCE OF  
HONORING INTERNATIONAL OBLIGATIONS ON CONSULAR MATTERS

END TALKING POINTS.

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